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In re Application of: :  
KAJOLA, Matti, et al. :  
U.S. Application No.: 10/587,354 :  
PCT No.: PCT/FI2005/000090 :  
International Filing Date: 11 February 2005 :  
Priority Date: 13 February 2004 :  
Attorney Docket No.: 032700-10 :  
For: A METHOD FOR INTERFERENCE :  
SUPPRESSION IN A MEASURING :  
DEVICE :

DECISION ON PETITION

This decision is issued in response to the "Petition To Withdraw Holding Of Abandonment Under Rule 1.181(a)" filed 04 February 2009. No petition fee is required.

**BACKGROUND**

On 11 February 2005, applicants filed international application PCT/FI2005/000090. The international application claimed a priority date of 13 February 2004, and it designated the United States. On 25 August 2005, the International Bureau (IB) communicated a copy of the international application to the United States patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 13 August 2006.

On 26 July 2006, applicants filed a Transmittal Letter requesting entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 16 May 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration in compliance with 37 CFR 1.497 was required.

On 02 July 2007, applicants filed a response to the Notification Of Missing Requirements consisting of a three-page Form PTO-1390 transmittal letter, a copy of the Notification Of Missing Requirements, and an executed declaration. The submission was accompanied by an assignment for recordation.

On 02 February 2009, the DO/EO/US mailed a Notification Of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a response to the Notification Of Missing Requirements.

On 04 February 2009, applicants filed the "Petition To Withdraw Holding Of Abandonment Under Rule 1.181(a)" considered herein. The petition asserts that applicants filed a timely and proper response to the Notification Of Missing Requirements, including an executed declaration, on 02 July 2007, and that the holding of abandonment should therefore be withdrawn.

### **DISCUSSION**

The present petition includes a copy of the materials filed by applicant in response to the Notification Of Missing Requirements (including the executed declaration), as well as a copy of a return postcard that itemizes these materials and bears a USPTO receipt stamp dated 02 July 2007. Moreover, the application file contains the original three-page transmittal letter and the copy of the Notification Of Missing Requirements filed by applicants on 02 July 2007. The declaration included with such materials is missing from the application file, but upon review, it appears that the one-page declaration document was forwarded for recordation with the assignment, rather than placed in the application file.

Based on the statements in the present petition, the attached return postcard, and USPTO records regarding applicants' original filing, it is concluded that the response to the Notification Of Missing Requirements accompanying the present petition, including the executed declaration, was originally filed herein on 02 July 2007 as a timely response to the Notification Of Missing Requirements mailed 16 May 2007.

The Notification of Abandonment mailed 02 February 2009, based as it was on applicants' purported failure to file a timely response to the Notification Of Missing Requirements, is appropriately vacated.

### **CONCLUSION**

The petition to withdraw the holding of abandonment under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 02 February 2009 is hereby **VACATED**.

The declaration accompanying the present petition is treated as having been originally filed herein on 02 July 2007 as a timely response to the Notification Of Missing Requirements mailed 16 May 2007.

This application is being returned to the National Stage Processing Branch of the Office of PCT operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 02 July 2007.

A handwritten signature in black ink, appearing to read 'RM Ross', written in a cursive style.

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